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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,155	09/15/2000	Joseph P. Ligoci Sr.	00-0384	2672

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EXAMINER
DALENCOURT, YVES

ART UNIT	PAPER NUMBER
2635	

DATE MAILED: 09/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/663,155	Joseph P. Ligoci, Sr.
Examiner	**Art Unit**
Yves Dalencourt	2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 15, 2000* .

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *2/3*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

This action is responsive to continuation-in-part application filed on 09/15/2000.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract is too long. It should not be exceeded 150 words.

Claim Objections

Claims 1 - 4, and 7 are objected to because of the following informalities: It is noted that the terms " adapted to " and " adapted for " (claim 1, lines 4, 14, 16, and 18; claim 2, lines 2; claim 3, lines 2 and 3; claim 7, lines 4, 13, 18, 30, 32, and 34) have been used in the claims. It has been held that the recitation that an element is " adapted to " performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138 Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 7, the term " a vehicle control unit " (claim 1, line 15; claim 7, line 31) is unclear. Is applicant referring to another vehicle control unit or is it the same one previously mentioned ?

Claims 2 - 6 are necessarily rejected as being dependent upon the rejection of claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 3, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer).

Regarding claim 1, Szwed teaches a vehicle disabling system (figure 1) which comprises a vehicle control unit for positioning in a vehicle (16, figure 1; col. 3, lines 28 - 31); a central database station including memory for storing a plurality of identification codes of vehicle control units, an authorization code being associated in the memory with each of the identification codes of the vehicle control units (col. 4, lines 40 - 47); and a mobile law enforcement unit for positioning in a law enforcement vehicle (12 & 18, figure 1; col. 4, lines 28 - 31) the law enforcement unit including a transceiver for transmitting and receiving signals via free space, transmitting the identification code via free space, the law enforcement unit being adapted to transmit the inquiry signal to a vehicle control unit, the law enforcement unit being adapted to receive an identification code from the vehicle control unit and transmit the identification code to central database station, the law enforcement unit being adapted to transmit the stop signal with

the authorization code via free space to the vehicle control unit upon the receipt of the authorization code from the central database station (col. 4, lines 27 - 59).

Szwed teaches all the limitations but fail to specifically teach a vehicle disabling system which comprises a vehicle control unit situated within a vehicle including a transceiver means adapted to transmit an identification code via free space upon the receipt of an inquiry signal via free space.

However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises a vehicle control unit situated within a vehicle including a transceiver means adapted to transmit an identification code via free space upon the receipt of an inquiry signal via free space (col. 2, lines 28 - 53) for the purpose of providing a relatively simple means for communicating with a particular interrogated vehicle from an interrogating station.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit situated within a vehicle including a transceiver means adapted to transmit an identification code via free space upon the receipt of an inquiry signal via free space in Szwed's device as taught by Sterzer for the purpose of providing a relatively simple means for communicating with a particular interrogated vehicle from an interrogating station.

Regarding claims 3 and 5, Szwed and Sterzer teach all the limitations on claim 1, and Szwed further teaches that the vehicle control unit is adapted for connection to an ignition system

of the vehicle such that the vehicle control unit is adapted to lower an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (col. 4, lines 52 - 60).

Claims 2, 4, and 6 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szwed and Fred Sterzer, and further in view of Pagliaroli et al (US 5276728; hereinafter Pagliaroli) .

Regarding claims 2, 4, and 6 - 7, Szwed and Sterzer teach all the limitations, but fail to specifically teach a vehicle disabling system which comprises a vehicle control unit which is adapted for connection to at least one exterior light circuit of the vehicle such that exterior lights of the vehicle are flashable by the vehicle control unit upon receipt of the inquiry signal by the transceiver to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 2); and which is adapted for connection to a horn of the vehicle such that the vehicle control unit is adapted to actuate the horn of the vehicle upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (claim 4).

However, Pagliaroli et al teaches in the same field of endeavor, a remotely activated automobile disabling system which comprises a vehicle control unit which is adapted for connection to at least one exterior light circuit of the vehicle such that exterior lights of the vehicle are flashable by the vehicle control unit upon receipt of the inquiry signal by the

transceiver to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit; and which is adapted for connection to a horn of the vehicle such that the vehicle control unit is adapted to actuate the horn of the vehicle upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (24, figure 1; col. 3, lines 23 - 63; col. 5, lines 15 - 65) for the purpose of providing a system through which a stolen, or otherwise misappropriated, vehicle can be remotely disabled by the police.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit which is adapted for connection to at least one exterior light circuit of the vehicle such that exterior lights of the vehicle are flashable by the vehicle control unit upon receipt of the inquiry signal by the transceiver to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit; and which is adapted for connection to a horn of the vehicle such that the vehicle control unit is adapted to actuate the horn of the vehicle upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal in Szwed and Sterzer's device as taught by Pagliaroli et al for the purpose of providing a system through which a stolen, or otherwise misappropriated, vehicle can be remotely disabled by the police.

Claims 8 - 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer).

Regarding claims 8 - 10, Szwed teaches a method of disabling a vehicle (figure 1) which comprises the steps of providing a vehicle control unit for positioning in the vehicle (16, figure 1; col. 3, lines 28 - 31); providing a central database station including memory for storing a plurality of identification codes of vehicle control units, the memory of the central database storing an authorization code associated with each of the identification codes of the vehicle control units (col. 4, lines 40 - 47); providing a mobile law enforcement unit for positioning in a law enforcement vehicle (12 & 18, figure 1; col. 4, lines 28 - 31), the law enforcement unit including a transceiver for transmitting and receiving signals via free space, transmitting an inquiry signal from the law enforcement unit to the vehicle control unit, transmit the identification code from the law enforcement to the central database station, and matching an authorization code from the memory of the central database station to the identification code (col. 4, lines 27 - 59).

Szwed teaches all the limitations but fail to specifically teach a method of disabling a vehicle which comprises the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; and transmitting an identification code from the vehicle control unit to the law enforcement unit.

However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises of providing a vehicle control unit

which includes a transceiver for transmitting and receiving signals via free space; and transmitting an identification code from the vehicle control unit to the law enforcement unit (col. 2, lines 28 - 53) for the purpose of providing a relatively simple means for communicating with a particular interrogated vehicle from an interrogating station.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a method steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; and transmitting an identification code from the vehicle control unit to the law enforcement unit in Szwed's device as taught by Sterzer for the purpose of providing a relatively simple means for communicating with a particular interrogated vehicle from an interrogating station.

Regarding claim 11, Szwed and Sterzer teach all the limitations on claim 10, and Szwed further teaches the step of lowering an engine speed of an engine of the vehicle by the vehicle control unit upon the receipt by the vehicle control unit of the stop signal accompanied by the authorization code (col. 4, lines 52 - 60).

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szwed and Fred Sterzer as applied to claim 8 above, and further in view of Pagliaroli et al (US 5276728; hereinafter Pagliaroli) .

Regarding claims 12 and 13, Szwed and Sterzer teach all the limitations on claim 10, but fail to specifically teach a method of disabling a vehicle which comprises the steps of actuating a horn of the vehicle upon the receipt by the vehicle control unit of the stop signal accompanied by

the authorization code (claim 12); and flashing exterior lights of the vehicle by the vehicle control unit upon receipt of the inquiry signal by the vehicle control unit to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 13).

However, Pagliaroli et al teaches in the same field of endeavor, a remotely activated automobile disabling system which comprises a method of disabling a vehicle which comprises the steps of actuating a horn of the vehicle upon the receipt by the vehicle control unit of the stop signal accompanied by the authorization code (claim 12); and flashing exterior lights of the vehicle by the vehicle control unit upon receipt of the inquiry signal by the vehicle control unit to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (24, figure 1; col. 3, lines 23 - 63; col. 5, lines 15 - 65) for the purpose of providing a system through which a stolen, or otherwise misappropriated, vehicle can be remotely disabled by the police.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a method of disabling a vehicle which comprises the steps of actuating a horn of the vehicle upon the receipt by the vehicle control unit of the stop signal accompanied by the authorization code (claim 12); and flashing exterior lights of the vehicle by the vehicle control unit upon receipt of the inquiry signal by the vehicle control unit to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit in Szwed and Sterzer's device as taught by Pagliaroli et al for the purpose of providing a system through which a stolen, or otherwise misappropriated, vehicle can be remotely disabled by the police.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

David M. Stadler (US Patent Number 5,559,491) discloses an automatically armed vehicle anti-theft system.

William L. Kelley (US Patent Number 4,878,050) discloses a motor vehicle remote control system.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on Monday through Thursday from 7:30 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704. The fax number for this Group is (703) 872- 9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

September 17, 2002